

FILED

5:13 pm, Jan 08, 2021

U.S. DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

SK:DEL
F. #2019R01327

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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1:19-cr-00556(CBA)(RER)

UNITED STATES OF AMERICA

S U P E R S E D I N G
I N D I C T M E N T

- against -

RICHARD PALMER,

Defendant.

Cr. No. 19-556 (S-1) (CBA)
(T. 18, U.S.C., §§ 2252(a)(2),
2252(a)(4)(B), 2252(b)(1), 2252(b)(2),
2253(a), 2253(b), 2260A, 2422(b),
2428(a) and 3551 et seq.; T. 21,
U.S.C., § 853(p))

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THE GRAND JURY CHARGES:

COUNT ONE
(Coercion and Enticement)

1. In or about and between January 2019 and October 2019, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant RICHARD PALMER, using one or more facilities and means of interstate and foreign commerce, to wit: mobile telephones, the Internet and mobile Internet applications, did knowingly and intentionally persuade, induce, entice and coerce an individual who had not attained the age of 18 years, to wit: John Doe, an individual whose identity is known to the Grand Jury, to engage in sexual activity for which a person can be charged with a criminal offense, to wit: criminal sexual act in the first degree, in violation of New York Penal Law Section 130.50(4), and attempt to do so.

(Title 18, United States Code, Sections 2422(b) and 3551 et seq.)

COUNT TWO

(Offense by a Registered Sex Offender)

2. In or about and between January 2019 and November 2019, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant RICHARD PALMER, knowing that he was required by Federal and other law to register as a sex offender, did knowingly and intentionally commit a felony offense involving a minor under Title 18, United States Code, Section 2422, to wit: the felony offense alleged in Count One of this indictment.

(Title 18, United States Code, Sections 2260A and 3551 et seq.)COUNTS THREE THROUGH NINE

(Distribution of Child Pornography)

3. On or about and between September 1, 2019 and October 6, 2019, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant RICHARD PALMER did knowingly and intentionally distribute one or more visual depictions, to wit: the digital videos and images depicted in the following computer files:

<u>COUNT</u>	<u>FILENAME</u>
THREE	"th_90897_990199240_240_b9e98570c9894b6dd46220190806_123_181lo.jpg"
FOUR	"44.jpg"
FIVE	"zz6nju7.gif"
SIX	"FIP6s(2).png"
SEVEN	"th_78638_77_123_250lo.jpg"
EIGHT	"img_bc9ee4b7317a04b7317a04e68970e291617af4(1).jpg"
NINE	"045_(2)(8).jpg"

using a means and facility of interstate and foreign commerce, which visual depictions had been mailed, and had been shipped and transported in and affecting interstate and foreign commerce, and which contained materials which had been mailed and so shipped and transported, by any means including by computer, the production of such visual depictions having involved the use of one or more minors engaging in sexually explicit conduct, and such visual depictions were of such conduct.

4. The defendant RICHARD PALMER committed the offenses charged in Counts Three through Nine after his prior conviction on or about November 1, 2010 for attempted promotion of a sexual performance by a child, in violation of New York Penal Law Sections 263.15 and 110, had become final.

(Title 18, United States Code, Sections 2252(a)(2), 2252(b)(1) and 3551 et seq.)

COUNT TEN
(Possession of Child Pornography)

5. On or about November 1, 2019, within the Eastern District of New York, the defendant RICHARD PALMER did knowingly and intentionally possess matter which contained one or more visual depictions, to wit: videos and images stored on a Samsung Galaxy cellular telephone with Serial No. R28K11HAFBV and a Samsung Galaxy cellular telephone with Serial No. R58KC13MLMA, that had been mailed, and had been shipped and transported using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce, and which were produced using materials which had been mailed and so shipped and transported, by any means including by computer, the production of such visual depictions having involved the use of one or more minors

engaging in sexually explicit conduct, and such visual depictions were of such conduct.

6. The defendant RICHARD PALMER committed the offense charged in this count after his prior conviction on or about November 1, 2010 for attempted promotion of a sexual performance by a child, in violation of New York Penal Law Sections 263.15 and 110, had become final.

(Title 18, United States Code, Sections 2252(a)(4)(B), 2252(b)(2) and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION AS TO COUNT ONE

7. The United States hereby gives notice to the defendant that, upon his conviction of the offense charged in Count One, the government will seek forfeiture in accordance with Title 18, United States Code, Section 2428(a), which requires the forfeiture of: (a) any property, real or personal, that was used or intended to be used to commit or to facilitate the commission of such offense; and (b) any property, real or personal, constituting, or derived from, proceeds obtained directly or indirectly as a result of such offense, including but not limited to the following items: (i) one Samsung Galaxy cellular telephone (Serial No. R28K11HAFBV); and (ii) one Samsung Galaxy cellular telephone (Serial No. R58KC13MLMA), both seized from the defendant's residence on or about November 1, 2019.

8. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;

(d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be

divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Section 2428(a); Title 21, United States Code, Section 853(p))

CRIMINAL FORFEITURE ALLEGATION AS TO COUNTS THREE THROUGH TEN

9. The United States hereby gives notice to the defendant that, upon his conviction of any of the offenses charged in Counts Three through Ten, the government will seek forfeiture in accordance with Title 18, United States Code, Section 2253(a), which requires the forfeiture of: (a) any visual depiction described in Section 2251, 2251A, 2252, 2252A, 2252B or 2260 of Title 18 of the United States Code, or any book, magazine, periodical, film, videotape or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of such sections; (b) any property, real or personal, constituting, or traceable to, gross profits or other proceeds obtained from such offenses; and (c) any property, real or personal, used or intended to be used to commit or to promote the commission of such offenses or any property traceable to such property, including but not limited to the following items: (i) one Samsung Galaxy cellular telephone (Serial No. R28K11HAFBV); and (ii) one Samsung Galaxy cellular telephone (Serial No. R58KC13MLMA), both seized from the defendant's residence on or about November 1, 2019.

10. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (f) cannot be located upon the exercise of due diligence;
- (g) has been transferred or sold to, or deposited with, a third party;
- (h) has been placed beyond the jurisdiction of the court;
- (i) has been substantially diminished in value; or
- (j) has been commingled with other property which cannot be

divided without difficulty;

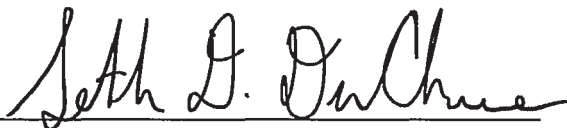
it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 2253(b), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Sections 2253(a) and 2253(b); Title 21, United States Code, Section 853(p))

A TRUE BILL



FOREPERSON



SETH D. DUCHARME
ACTING UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

F #: 2019R01327

FORM DBD-34

JUN. 85

No.

UNITED STATES DISTRICT COURT

EASTERN *District of* NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

RICHARD PALMER,

Defendant.

SUPERSEDING INDICTMENT

(T. 18, U.S.C., §§ 2252(a)(2), 2252(a)(4)(B), 2252(b)(1), 2252(b)(2),
2253(a), 2253(b), 2260A, 2422(b), 2428(a) and 3551 et seq.; T. 21,
U.S.C., § 853(p))

A true bill.


Foreperson

Filed in open court this _____ day,

of _____ A.D. 20 _____

Clerk

Bail, \$ _____

*Devon Lash and Andrew Wenzel, Assistant U.S. Attorneys
(718) 254-7000*